

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

AFFINITY LABS OF TEXAS, LLC,

§

*Plaintiff,*

§

Civil Action No. 9:08-CV-164

v.

§

JUDGE RON CLARK

BMW NORTH AMERICA, LLC *et al,*

§

*Defendants.*

§

**ORDER OF PARTIAL DISMISSAL**

Before the court is Plaintiff Affinity Labs of Texas, LLC and Defendant Nissan North America, Inc.'s Agreed Motion to Dismiss. The court is of the opinion that the motion should be granted.

IT IS THEREFORE ORDERED that Plaintiff Affinity Labs of Texas, LLC and Defendant Nissan North America, Inc.'s Agreed Motion to Dismiss With Prejudice [Doc. # 283] is GRANTED.

IT IS FURTHER ORDERED that all claims by Affinity Labs against Nissan, and all claims by Nissan against Affinity Labs, with respect to damages for alleged past infringement of U.S. Patent No. 7,324,833 are DISMISSED WITH PREJUDICE. All other claims between Affinity and Nissan in this case, including claims relating to any future patent infringement, are dismissed with or without prejudice depending upon the specific terms of the parties' Settlement Agreement.

IT IS FURTHER ORDERED that all attorney's fees, costs of court, and expenses shall be borne by the party incurring the same. This is a final judgment as to Nissan North America, Inc.

So **ORDERED** and **SIGNED** this **6** day of **October, 2009**.



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Ron Clark, United States District Judge